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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BARBARA HUBBARD

Plaintiff,

vs.

WALGREEN CO. dba WALGREENS
#06255; 1 HUNTER, LLC; 1 LAKE LLC,

Defendants.

1 HUNTER, LLC; 1 LAKE LLC,

Cross-Claimants

vs.

WALGREEN CO., dba WALGREENS
#06255

Cross-Defendants

Case No. '08 CV 0072 JM POR

**CROSS-CLAIM FOR INDEMNITY
AND CONTRIBUTION AGAINST
WALGREEN CO. dba WALGREENS
#06255**

JURY TRIAL DEMANDED

Complaint filed: Jan. 11, 2008

Defendants/Cross-Claimants 1 Hunter LLC and 1 Lake LLC allege as follows:

GENERAL ALLEGATIONS

1. Cross-Claimant 1 HUNTER, LLC is and at all times relevant to this action, was a California Limited Liability Company authorized to do business in California.

2. Cross-Claimant 1 LAKE, LLC is and at all times relevant to this action, was a California Limited Liability Company authorized to do business in California. Cross-Claimants 1 HUNTER, LLC and 1 LAKE, LLC are collectively referred to in this Cross-Claim as "Cross Claimants."

3. Cross-Defendant WALGREEN CO. dba WALGREENS #06255 (hereinafter "Cross-Defendant" or "Walgreens") is an Illinois Corporation authorized to do business in California.

4. Cross-Claimants are co-owners of real property located at 621 "I" Street, Chula Vista, California 91910 (hereinafter, "the Property.")

5. Cross-Defendant Walgreens is currently leasing the Property owned by Cross-Claimants. The Property is the subject of the above-entitled lawsuit filed by Plaintiff Barbara Hubbard on January 11, 2008. Plaintiff's Complaint alleges that all Defendants (which include the Cross-Claimants and Cross-Defendant) were negligent or otherwise at fault for Plaintiff's alleged damages suffered as the result of alleged violations of the Americans with Disabilities Act, Disabled Persons Act, the Unruh Civil Rights Act and other California statutes.

FIRST CAUSE OF ACTION

(Comparative Indemnity)
(Against Walgreens)

6. Cross-Claimants reallege and incorporate by reference each and every allegation

1 of the above paragraphs 1 through 5 inclusive, as if fully set forth herein.

2 7. In addition, Cross-Claimants hereby incorporate by reference Plaintiff's
3 Complaint for the limited and specific purpose of showing the contents, and without admitting
4 any allegations therein. Cross-Claimants, in its Answer to the Complaint, have denied, or will
5 deny, and continue to deny, that they were in any way negligent, at fault, or otherwise
6 responsible for any damages which may be proved by Plaintiff herein, or that any act of Cross-
7 Claimants proximately resulted in any injury or damage to Plaintiff as alleged in the Complaint.
8

9 8. In the event, however, that Cross-Claimants are held liable to Plaintiff for any
10 negligence, or any other reason arising out of or relating to the damages allegedly sustained by
11 Plaintiff, then Cross-Claimants allege that Walgreens was also negligent and otherwise at fault
12 in causing Plaintiff's injuries, if any, and that the actions of Cross-Defendant Walgreens were a
13 proximate cause of such injuries, if any. As a result, Cross-Defendant is obligated to partially
14 or fully indemnify Cross-Claimants for sums which it may be compelled to pay as a result of
15 any damages, judgment or other awards recovered by Plaintiff against them.
16

17 9. By further reason of the foregoing, Cross-Claimants have reasonably incurred
18 legal and investigative expenses, including but not limited to attorneys' compensation and court
19 costs, and will continue to incur such advance in the preparation and presentation of this
20 defense in these proceedings, all of which Cross-Claimants are entitled to recover from Cross-
21 Defendant Walgreens.
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SECOND CAUSE OF ACTION

(Contribution)
(Against Walgreens)

10. Cross-Claimant realleges and incorporates by reference each and every allegation of the above paragraphs 1 through 5 and 7 through 9 inclusive, as if fully set forth herein.

11. Cross-Claimants contend that if they are held liable to Plaintiff under the Complaint, Cross-Claimants are entitled to contribution from Cross-Defendant Walgreens for payment of any amount to Plaintiff by Cross-Claimants in excess of the degree to which their culpability, fault, or responsibility, if any, contributed to the damages as alleged in Plaintiff's complaint.

WHEREFORE, Cross-Claimants pray judgment as follows:

ON THE FIRST CAUSE OF ACTION

1. That Cross-Defendant Walgreens be required to indemnify Cross-Claimants for any and all liability and damages which may be assessed in this case against Cross-Claimants, in proportion to the negligence and fault of Cross-Defendant Walgreens, which was the proximate cause of such injuries and as damages may be proved.

ON THE SECOND CAUSE OF ACTION

1. That Cross-Defendant Walgreens be required to contribute for any amount paid by Cross-Claimants to Plaintiff in excess of the degree to which Cross-Claimants were held liable to Plaintiff under the Complaint.

ON ALL CAUSES OF ACTION

1. For the costs of suit herein incurred;
2. For such other and further relief as the court may deem just and proper.

JURY TRIAL DEMANDED

/s/ John W. Howard

Dated: Feb. 13, 2008

John W. Howard
Attorney for Defendants/Cross-Claimants
1 Hunter, LLC and 1 Lake, LLC

CERTIFICATE OF SERVICE

I hereby certify that on the 13th day of February, 2008, I electronically filed the foregoing *CROSS-CLAIM FOR INDEMNITY AND CONTRIBUTION AGAINST WALGREEN CO. dba WALGREENS #06255* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their e-mail address:

Lynn Hubbard, III
Law Offices of Lynn Hubbard
12 Williamsburg Lane
Chico, CA 95926
Email: usdcso@hubslaw.com

Because Defendant Walgreen Co. has not appeared in the action, they will be personally served with the document. Subsequently, an Amended Certificate of Service will be filed.

I declare under penalty of perjury that the foregoing is true and correct. Executed this 13th day of February 2008 at San Diego, California.

/s/ Elisa Marino

Elisa Marino